

REMARKS

Reconsideration and reexamination of the subject Application are respectfully requested. Claim 18 has been amended, claims 22, 66 and 67 have been cancelled, and claims 68-69 have been added. Thus, claims 18, 20, 23-34, 39-44, and 68-69 are all the claims pending in the application.

Claim rejections -- 35 U.S.C. § 102

Claims 18, 20-22, 27, 32, 39-41, and 66-67 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 2,612,120 to Crawford. Claims 66-67 have been cancelled without prejudice or disclaimer.

Independent Claim 18

Claim 18 has been amended to incorporate the features of dependent claim 22, and claim 22 has been cancelled.

Claim 18 has been amended to recite the feature of a plurality of compartment walls that are at least 1.5m high and define a compartment space, said compartment walls including two opposed side walls and two opposed end walls that interconnect the side walls and define the compartment space. Claim 18 has also been amended to recite that the compartment has only one passenger chair that is foldable between a seating position and a support position, and that the doorway is positioned centrally in the aisle wall of the compartment.

By contrast, Fig. 1 of Crawford shows a open section that is divided into two sections 18, 19. Thus, the open section of Crawford is entirely open on the aisle side of the compartment and does not have a side wall that defines a central doorway. The Examiner argues that the short aisle sections 26 located at opposite ends of the open section of Crawford form a side wall of the open

section and that there is a doorway between these aisle sections 26. One of these aisle sections is identified by the numeral 26 on the right hand side of the upper view of Figure 1. However, col. 3, lines 27-38 describe these aisle sections 26 as being extended aisle wall portions which are thus part of the end walls of the open section. Accordingly, the open section of Crawford is really two sub-sections that are spaced lengthwise of the train, with each sub-section having a chair and a foldable bed located in an end wall, with one end wall at one end of one sub-section and another end wall at one end of the other sub-section.

Crawford also shows that two chairs are present in each section 18, 19. That is, the backs overlap such that the chair in section 18 extends into section 19. By contrast, claim 18 recites that the one passenger chair only is disposed in the compartment space.

Claim 18 thus distinguishes over Crawford because the claimed compartment is a selection of a single chair in the compartment, with the compartment having end walls and an aisle wall with a central doorway and a bed stored in one of the end walls.

Applicant thus respectfully submits that claim 18 is patentably distinguished over Crawford for at least these reasons.

Dependent Claims

The remaining claims are patentable based on their respective dependencies from claim 18.

Claim rejections -- 35 U.S.C. § 103

Claims 18, 20-23, 27-29, 39-41, and 66 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,318,622 to Rezag in view of WO 2003/013942 to Ferry. Claim 66 has been cancelled without prejudice or disclaimer.

Independent Claim 18

Claim 18 has been amended to recite the feature that when the chair is in the second support position, a back portion of the chair can be folded forward over a seat portion of the chair to define a support for the bed when the bed is in the sleep position in the sleep configuration, with the bed being supported on the back portion and wherein the back portion and the seat portion are below the bed and do not form an extension of the bed.

In Rezag, at Figs. 6a-6d and 7a-7d, the back is pivoted such that a rear surface of the back 4 in seated position becomes the upper surface in the lying down position. (see col. 9, lines 40-44; 59-64). Accordingly, in Rezag, the back surface of the seat forms a portion of the bed. By contrast, in claim 18, the back portion defines a support for the bed, where the bed is supported on the back portion and the back portion and the seat portion are below the bed. Ferry has been cited for the limited teaching of the height of the walls. Ferry has not been cited for the seat or bed, and Ferry indeed does not teach these features. Accordingly, Ferry does not cure the deficiencies of Rezag. Accordingly, claim 18 is patentable over the art of record.

Dependent Claims

The dependent claims are patentable based on their dependency from claim 18.

Claims 24-26 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry, in further view of FR 2,842,497 to Saint-Jalmes.

The Examiner acknowledges that the Rezag and Ferry combination do not teach the claimed windows. Thus, Saint-Jalmes is cited solely for a teaching of blinds. Saint-Jalmes is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly,

claims 24-26 are patentable because of their dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

Claims 27-32 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry, in further view of U.S. Patent No. 4,134,233 to Guttridge.

The Examiner acknowledges that the Rezag and Ferry combination do not teach the claimed door assembly. Thus, Guttridge is cited solely for a teaching of a sliding door. Guttridge is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly, claims 27-32 are patentable because of their dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

Claims 32 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry, in further view of U.S. Patent No. 5,024,398 to Riedinger.

The Examiner acknowledges that the Rezag and Ferry combination do not teach the claimed curtain supported by a sliding upper rail. Thus, Riedinger is cited solely for a teaching of a curtain. Riedinger is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly, claim 32 is patentable because of its dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

Claims 33 and 34 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry and Riedinger, in further view of U.S. Patent Application Publication No. 2002/0084042 to Kimmet.

The Examiner acknowledges that the Rezag and Ferry and Riedinger combination do not teach the claimed sliding upper rail. Thus, Kimmert is cited solely for a teaching of a folding door. Kimmert is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly, claims 33 and 34 are patentable because of their dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

Claim 42 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry, in further view of U.S. Patent No. 6,398,164 to Fasse.

The Examiner acknowledges that the Rezag and Ferry combination do not teach the claimed operative position. Thus, Fasse is cited solely for a teaching of a two-part bed. Fasse is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly, claim 42 is patentable because of its dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

Claims 43 and 44 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry, in further view of Dettmers.

The Examiner acknowledges that the Rezag and Ferry combination do not teach the claimed table assembly. Thus, Dettmers is cited solely for a teaching of a table. Dettmers is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly, claims 43 and 44 are patentable because of their dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

New Claims

New claims 68 and 69 have been added. Independent claim 68 recites that the compartment comprises a passenger chair, a table assembly, and a seat, and that the bed folds down to be supported by a support formed by the passenger chair, the table assembly, and the seat when in the horizontal sleeping position. These features are not reasonably shown by any of the art of record, and accordingly, claim 68 is patentable over the art of record. Claim 69 is patentable based on its dependency from claim 68.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Kevin C. Kunzendorf /

Kevin C. Kunzendorf
Registration No. 58,308

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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